

Bainbridge Murder Case Returning to Court

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Nicholas Hacheney

BAINBRIDGE ISLAND —

A former Bainbridge Island pastor convicted of killing his wife will have a small portion of his sentence adjusted following a ruling from the state Court of Appeals.

The state Court of Appeals Division II filed a ruling Tuesday that will send the case of Nicholas Hacheney, now 39, back to Kitsap County Superior Court so a judge can set new terms for his community custody, which is imposed after he has served his prison time.

His June 2008 sentence of 320 months in prison remains intact following Tuesday's ruling.

It's a case with a long history that has been through appeals courts several times before.

In 1997 Hacheney's wife, Dawn, was found dead inside the couple's home while Nicholas Hacheney was on a hunting trip with friends. Her death was originally deemed an accident, until 2001 when a woman came forward claiming she had an affair with Hacheney and that he'd admitted to killing his wife.

A jury convicted Nicholas Hacheney in 2002 of first-degree murder for suffocating his wife then burning the house down. He received an "aggravated" sentence, which tacks on more time, because of the combined homicide and arson, which netted him **a life sentence without the possibility of parole.**

Hacheney appealed, and in 2007 the state Supreme Court **ruled that the trial court erred** in doling out an aggravated sentence because the arson did not contribute Dawn Hacheney's death.

In June 2008 **Hacheney was sentenced again**, this time facing a sentence between 240 and 320 months in prison. He received a sentence at the top of the range, 26 years and eight months, and 24 to 48 months of community custody after his release.

Hacheney again appealed, contending the court erred during his second sentencing because it refused to consider evidence that was presented during pretrial plea bargains, and the court exceeded the allowable maximum sentence because the prison term and community custody combined were more than the statutory maximum of 320 months in prison.

The appeals court dismissed the bulk of Hacheney's appeal, though it sent the case back to Kitsap County Superior Court to rehear the community custody portion of his sentence because the term imposed did not follow a 1997 state statute.

The standard community custody range for first-degree murder is two years or up to the period of earned release, whichever is greater. The Department of Corrections determines "earned release" based on the inmate's behavior.

According to DOC's sentencing guidelines, Hacheney could be released in 16 to 19 years.